



Dated: August 05, 2010 15:26:47

The following is ORDERED:

A handwritten signature in cursive script, reading "T.M. Weaver".

T.M. Weaver
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In re:)	
)	
MICHAEL L. & LILLIE E. CALLOWAY,)	No. Bk. 09-16011WV
)	Ch. 7
Debtor(s))	
)	
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)	
)	
RED RIVER ROOFING AND CONSTRUCTION,)	
)	
Plaintiff(s))	
)	
vs.)	No. Adv. 10-1043-WV
)	
MICHAEL L. CALLOWAY AND)	
LILLIE E. CALLOWAY,)	
)	
Defendant(s))	

SCHEDULING ORDER

The following schedule will govern pretrial procedures in this adversary proceeding,
unless amended by further order of the court:

1. **Trial Date.** This case will be tried on the court's trailing trial docket commencing at 9:30 a.m. on the 11th day of January, 2011, Ninth Floor Courtroom, Old Post Office Building, 215 Dean A. McGee, Oklahoma City, Oklahoma 73102.

2. **Exchange of Exhibits and Witness Lists.** The parties shall exchange all known exhibits and a list of all known witnesses not later than fifteen (15) days from the date of this order. With the exception of disclosure of expert witnesses which are subject to the provisions of FED. R. CIV. P. 26(a)(2), the names of any additional witnesses and all additional exhibits shall be exchanged immediately upon their becoming known, in no event later than sixty (60) days prior to the trial date. No witness whose name has not been provided hereby shall be permitted to testify at trial and no exhibit that has not been exchanged as required hereby shall be admitted into evidence at trial. Marked copies of all exhibits shall be exchanged prior to trial, and two marked copies of all exhibits to be used at trial shall be attached to the Final Pretrial Order, which shall be submitted to the court in accordance with ¶ 7 of this Order.

3. **Motions.** Motions to join additional parties and motions to amend the pleadings shall be filed and served not later than fifteen (15) days from the date of this order. Any dispositive motions and motions in limine shall be filed and served not later than forty-five (45) days prior to the trial date. Motion practice shall be in accordance with Rule 9013 of the Local Rules, Rules 7001-7087 of the Federal Rules of Bankruptcy Procedure, and the Federal Rules of Civil Procedure. A file-stamped copy of any dispositive motion or response thereto shall be delivered by counsel to chambers promptly after its filing.

4. **Discovery.** All discovery shall be completed not later than forty-five (45) days prior to the trial date.

5. **Stipulations.** Stipulations are encouraged and may be submitted at any time.

6. **Proposed Findings of Fact and Conclusions of Law and Trial Briefs.**

Unless excused from this obligation upon proper application and order of the court, each party shall file and serve detailed proposed findings of fact and conclusions of law not later than **one week prior to the trial date**. A brief memorandum of authority for the conclusions shall be filed with the proposed findings and conclusions.

7. **Joint Final Pretrial Order.** The persons who will actually participate in the trial shall confer, prepare and submit to the court, not later than **one week prior to the trial date**, a joint final pretrial order approved by all counsel and any *pro se* parties. Pursuant to Rule 7016(d) of the Local Rules, counsel for plaintiff or movant bears the responsibility for initially preparing, circulating and submitting the joint final pretrial order to the court. The joint final pretrial order shall contain, at a minimum, the following:

- a) all stipulated issues of fact and law;
- b) the legal and factual issues to be tried;
- c) a brief statement of the contentions of the parties;
- d) a list of all witnesses expected to be called and the element(s) of proof towards which their testimony will be directed;
- e) a list of all exhibits expected to be used at trial numbered in accordance with their designated exhibit number and a statement identifying any objections thereto and citation to the applicable Federal Rule of Evidence;
- f) two marked copies of all exhibits referenced in subsection (e) of this paragraph;
- g) the possibility of settlement;
- h) a realistic estimate of the time required to try the case; and,

- i) attached as a separate appendix, a Chronology of Events setting forth the date all pertinent events occurred (without explanation) and listing the events in the order in which they occurred.

For counsel's convenience, a sample Final Pretrial Order can be found attached following the Local Rules.

The Joint Final Pretrial Order shall govern the trial of the case and supersede all pleadings.

8. **Resolution Prior to Trial.** Any resolution of the issues in this case prior to the trial date, in whole or in part, shall be communicated to the court immediately, and an appropriate order(s) shall be submitted for the court's signature as soon as practicable thereafter. Announcement of the resolution of any issue(s) during or immediately prior to trial shall be made in open court.

9. **Pro Se Parties.** Parties not represented by counsel are advised that the provisions of this order and the rules of procedure and evidence are equally applicable to parties without counsel. Full compliance therewith is required of all parties.

10. **Pretrial Conferences.** A pretrial conference may be held, at the court's discretion, if the court deems it appropriate or upon request of a party or counsel showing good cause therefor.

NO EXTENSIONS OR CONTINUANCES OF ANY DATE SET FORTH IN THIS ORDER SHALL BE GRANTED ABSENT EXTRAORDINARY REASONS.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE STRIKING OF PLEADINGS, ENTRY OF DEFAULT, DISMISSAL OF A CAUSE OF ACTION OR DEFENSE, AND/OR OTHER ACTION, SUA SPONTE.

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